

### **Remarks**

New Claims 29 to 40 remain pending in this application. Claims 16 to 28 have been cancelled without prejudice and have been rewritten as new claims to comply with the US practice. Applicant submits that no new matter has been added in the new claims. Applicant requests the Examiner to reconsider the rejections based on the following:

#### **Rejection under 35 U.S.C. § 103(a)**

Claims 16 to 22 and 24 to 28 have been rejected under 35 USC §103(a) as being unpatentable over Tanaka et al. (US patent 4,412,214 cited by Applicant) in view of Garcia et al. (US patent 3,938,140 cited by Applicant). Also, Claim 23 is rejected under 35 USC §103(a) as being unpatentable over Tanaka et al. (US patent 4,412,214 cited by Applicant) and Garcia et al. (US patent 3,938,140 cited by Applicant) as applied above, and further in view of Bailey (US patent 5,392,546). Applicant rebuts the rejections for the following reasons:

Tanaka reference discloses a liquid crystal display element includes a pattern display section defined by the superposing portions of upper and lower display electrodes. In operation, a non-selective voltage is always applied across a liquid crystal at the superposing portion of the upper and lower non-display electrodes (see Abstract). Therefore, the Tanaka reference discloses always applying a voltage (selective or non-selective) across both the display and the non-display areas of the crystal display element.

As explained in Column 4, lines 8-18, in the Tanaka reference, the purpose of this invention is to overcome the problems faced by prior art i.e having more than two bright and dark levels. Reference expressly states that the display pattern of portions A' is difficult to recognize since the display plane is mainly constructed by areas of three bright and dark levels including dark portions A' excited by the selective voltage, somewhat dark (or bright) portions B' slightly or lightly excited by the non-selective voltage and bright regions C1', C2' having no applied voltage thereacross and the area of bright regions C1' and C2' is larger compared with that of dark portions A' (see Figure 2). In order to overcome this problem the Tanaka reference discloses a liquid crystal device, where the display plane is substantially constructed by areas of two bright and dark levels including dark portions A' and somewhat bright regions B' and E' and

bright portions are only D' ( See Figure 3a; Column 6, lines 18-21). In addition, as discussed above, the Tanaka reference discloses applying a non-selective voltage to the non-display areas even when voltage is being applied to the display area.

As the Examiner has correctly indicated, the Tanaka reference does not disclose, an actuation device. The Garcia reference discloses a display device having a segmented structure. In accordance with the teachings of the Garcia reference, the symbol or display area is divided into several segments that complement each other. In other words, the different segments represent one symbol or character. Each segment is then connected to an excitation unit such that each segment can be activated independently from each other.

The examiner has indicated that it will be obvious to combine the excitation unit as disclosed in Garcia into the device as taught by Tanaka. Applicant respectfully submits that such combination is improper and the Tanaka reference teaches away from such combination. As mentioned above, the Tanaka reference aims to solve the problem of having a display unit that has more than 2 dark and light areas. It seeks to improve the visibility of characters by having 1 dark area and 2 light areas. If we were to incorporate Garcia's device into Tanaka device, we would have a system that has 3 different dark and light areas ( segments that have selective voltage; segments that have non selective voltage and segments that have no voltage). As discussed in Column 4, lines 8-18 of the Tanaka reference, this is exactly the device that Tanaka teaches away from. In view of the above, Applicant submits that such combination is improper and accordingly request the Examiner to withdraw the rejections under 35 USC §103(a).

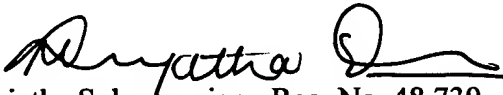
## CONCLUSION

Applicant has filed a complete response to the outstanding office action and only allowable claims remain pending in this application. In view of the above, Applicant requests the Examiner to withdraw all rejections. If a personal conversation will expedite the prosecution of this application, the Examiner is requested to call the undersigned at 317-521-2851.

The Examiner is hereby authorized to charge Deposit Account No. 02-2958 for any fees associated with the filing of this Amendment. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: JULY 21<sup>st</sup>, 04

  
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